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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

UNITED STATES OF AMERICA

VERSUS

WILLIAM BARTON,
a/k/a blackbart2010

CRIMINAL NO. 11-CR-00062-01

JUDGE HICKS

MAGISTRATE JUDGE HORNSBY

ELEMENTS OF THE OFFENSE

18 U.S.C. § 2252A(g)

Engaging in a Child Exploitation Enterprise

In order to find the defendant guilty each of the following must be proved beyond a reasonable doubt:

- First: That the defendant, in concert with three or more other persons, committed a series of felony violations, constituting three or more separate incidents;
- Second: That the felony violations involved more than one minor victim;
- Third: That the felony violations were in violation of chapter 109A, 110, or 117 of Title 18 of the United States Code.

I instruct you that Title 18, United States Code, Sections 2251 and 2252A are both criminal statutes that are part of Chapter 110 of Title 18 of the United States Code. Thus, if one conspires to advertise child pornography, in violation of Title 18 United States Code, Section 2251(d)(1) & (e), or if one conspires to distribute child pornography, in violation of Title 18 United States Code, Section 2252A(a)(2)(A) & (b)(1), as are charged in Counts 2

and 3 of the Second Superceding Indictment, he has committed a felony violation of chapter 110 of Title 18 of the United States Code.

In order to be found guilty of a conspiracy, each of the following elements must be proven:

- First: That the defendant and at least one other person made an agreement to commit the crime charged;
- Second: That the defendant knew the unlawful purpose of the agreement and engaged in it willfully, that is, with the intent to further the unlawful purpose; and
- Third: That one of the co-conspirators, during the existence of the conspiracy, knowingly committed at least one of the overt acts described in the Second Superceding Indictment in order to accomplish some object or purpose of the conspiracy.

In order to be found guilty of advertising child pornography, in violation of Title 18, United States Code, Section 2251(d)(1), each of the following elements must be proven:

- First: That the defendant made, printed or published, or caused to be made printed, advertised, or published a notice or advertisement;
- Second: That the purpose of the notice or advertisement was to seek or offer to receive, exchange, buy, produce, display, distribute, or reproduce any visual depiction;

Third: That the visual depiction involved the use of a minor engaging in sexually explicit conduct and such visual depiction was of such conduct; and

Fourth: That such advertisement was transported using any means of facility of interstate or foreign commerce, including by computer.

In order to be found guilty of distribution of child pornography, in violation of Title 18 United States Code, Section 2252A(a)(2)(A) & (b)(1), each of the following elements must be proven:

First: That the defendant knowingly distributed a visual depiction;

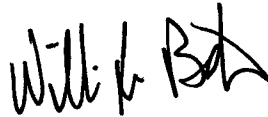
Second: That the production of the visual depiction involved the use a minor engaging in sexually explicit conduct and such visual depiction was of such conduct; and

Third: That the visual depiction was transported in interstate commerce or foreign commerce.

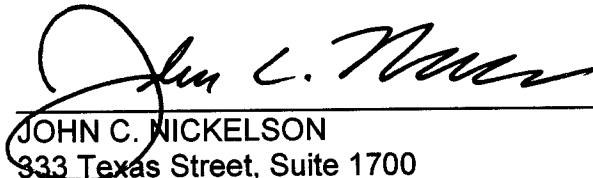
As I have previously instructed you, you are only pleading guilty to engaging in a child exploitation enterprise. I have instructed as to the elements of conspiracy, advertising child pornography and distribution of child pornography because those are the offenses you are alleged to have engaged in as part of the child exploitation enterprise.

Child pornography is defined as: any visual depiction of sexually explicit conduct where the production of the visual depiction involves the use of a minor engaging in sexually explicit conduct.

Have reviewed the elements of the offense to which I am pleading guilty, as described above, I have consulted with my attorney about those elements. I understand the elements of the offense to which am pleading guilty.



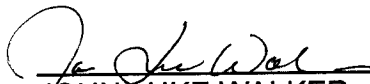
WILLIAM BARTON,
a.k.a. blackbart2010
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